

LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.

One Franklin Square, P.O. Box 487, Geneva, New York 14456

Tele: (315)781-1465 (Voice/TDD)

1-866-781-LAFL (Toll Free-Clients Only)

Fax: (315)781-2565

Email: lafl@lafl.org

Website: www.lawny.org

August 22, 2007

Guy Lescault, Program Counsel
Legal Services Corporation
3333 K Street, NW
Washington, D.C. 20007

RE: LAWNY Board PAI Resolution

Dear Guy:

I write to let you know that at its meeting on August 17, 2007, the board of directors of Legal Assistance of Western New York, Inc., adopted a resolution in support of enhanced private attorney involvement modeled on the resolution sent to us by LSC.

Enclosed for your file is a copy.

Many thanks. I will look forward to seeing you in New York City in a few weeks.

Very truly yours,



C. Kenneth Perri
Executive Director

Encl.

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LEGAL SERVICES CORP.
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**RESOLUTION
OF
BOARD OF DIRECTORS OF
LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.**

**In Support of Enhanced Private Attorney Involvement
with Legal Assistance of Western New York, Inc.**

Whereas, the Legal Services Corporation and the programs it funds, including Legal Assistance of Western New York, Inc., have long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

Whereas, at its April 2007 meeting, the Board of Directors of the Legal Services Corporation adopted Resolution 2007-003 supporting and encouraging private attorney involvement and urging governing boards of LSC-funded programs to collaborate with other organizations to effectively engage lawyers in *pro bono* representation and other services that benefit low-income persons; and

Whereas, the LSC Board of Directors resolution builds upon the following national LSC initiatives:

- The October 2005 LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, which found that 50 percent of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program;
- The *LSC Strategic Directions 2006-2010*, which calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs;
- The *LSC Performance Criteria*, which consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services;
- The Provision for the Delivery of Legal Services Committee of the LSC Board of Directors 2006 meetings, which highlighted the potential, opportunities and challenges of private attorney involvement and determined ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap;
- The unanimous adoption in January 2007 by LSC Board of Directors of a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*, which highlights the benefits of

engaging private attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement.

- The American Bar Association's Model Rule 6.1 and similar state bar rules note the professional responsibility of every lawyer to provide *pro bono* legal assistance to persons of limited means;

Whereas, in New York State:

- LSC grantees, which participated in compiling information for the LSC Documenting the Justice Gap in America Report referenced above, were unable to serve, or unable to serve fully, two-thirds of low-income people who presented with civil legal problems that fell within the substantive law priorities of the grantees;
- The New York Legal Needs Study, from the New York State Bar Association Committee on Legal Aid, published in June 1990, as revised and reprinted in December 1993, concluded that New York's civil legal services system could only assist 15% of indigent people with civil legal problems;
- In the Future of Pro Bono in New York, Volume 1: Report on the 2002 Pro Bono Activities of the New York State Bar released by the New York State Unified Court System in January 2004, it was found that only 46% of New York attorneys performed qualifying pro bono work for the poor in 2002 and that only 27% of attorneys met the goal set by the Administrative Board of the Courts in its April 1997 pro bono resolution, which encourages attorneys to provide at least 20 hours of pro bono legal services to poor persons each year;
- In The Future of Pro Bono in New York, Volume 2: Report and Recommendations from the New York State Unified Court Systems Pro Bono Convocations, the Unified Court System recommended that judicial districts develop local pro bono action plans by means of local pro bono action committees supported by a statewide standing committee on pro bono, and such local pro bono action plans have been or are being developed and implemented in the three judicial districts within Legal Assistance of Western New York, Inc.'s service area;
- The New York Lawyers Code of Professional Responsibility, in section EC 2-25 provides that a lawyer has a professional obligation to render public interest and pro bono legal services; and
- The New York State Bar Association, through its Department of Pro Bono Affairs, promotes pro bono activities through special honors such as the Empire State Counsel Program and the annual President's Pro Bono Service Award and promotes resources such as Probono.net, LawHelp, the pro bono guide and model policies for pro bono in law firms;

Whereas, in the 14 county service area of Legal Assistance of Western New York, Inc.:

- Area bar associations have formed public interest and/or pro bono committees, including, but not limited to Allegany, Chautauqua, Chemung and Ontario Counties;
- The Monroe County Bar Association has established an Access to Justice committee, whose members meet on a monthly basis to discuss and resolve issues surrounding access to justice for low-income Monroe County residents; and
- The Volunteer Legal Services Project of Monroe County, Inc., to which Legal Assistance of Western New York, Inc., provides funding, has coordinated pro bono activities effectively and efficiently since 1981 and has received numerous awards for the quality of its service, in recognition of its efforts on behalf of indigent clients and its high impact in meeting community needs.

Now, Therefore, Be It Resolved that the Board of Directors of Legal Assistance of Western New York, Inc., in an effort to help close the justice gap in New York State, supports and encourages private attorney involvement with Legal Assistance of Western New York, Inc. and will endeavor to:

- Collaborate with other organizations and entities in Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates counties to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal need and encourage collective responsibility within Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates counties by both public and private entities to help meet this unmet civil legal need;
- Collaborate with other organizations and entities in Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates counties to develop effective strategies for further engaging lawyers in *pro bono* representation and other services that benefit low-income persons;
- Consider including in that collaboration organizations and entities such as the New York State Bar Association; the bar associations throughout the 14 counties in Legal Assistance of Western New York, Inc.'s service area; other civil legal services providers such as Empire Justice Center, the Legal Aid Society of Rochester, the Volunteer Lawyer Project in Buffalo and the Volunteer Legal Services Project of Monroe County, Inc.; the area law schools – Cornell Law School, Syracuse University College of Law and University at Buffalo College of Law; area law firms and corporate law departments; government offices; and state and federal courts; and

- Develop strategies that encourage *pro bono*, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

Be it Further Resolved that the Board of Directors of Legal Assistance of Western New York, Inc. will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of Legal Assistance of Western New York, Inc. and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

Adopted by the Board of Directors of Legal Assistance of Western New York, Inc. on August 17, 2007.

C. Kenneth Perini - 8/22/07

Executive Director

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